

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Dennis A. Cornell, Associate Justice; and Leisa V. Biggers, Clerk/Administrator, by Lisa J. Prosser, Senior Deputy Clerk.

F052897 Caetano-Jungk et al. v. County of Tulare et al.

Parties stipulate that (1) Honorable Herbert I. Levy Associate Justice, the absent assigned justice, participate in the determination of this appeal, and (2) Levy, J., to listen to the tape recording of oral proceedings upon his return.

Cause called and argued by Raymond L. Carlson, Esq., counsel for appellant and by Jeffery Dorso, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Friday, February 15, 2008 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Steven M. Vartabedian, Associate Justice; and Leisa V. Biggers, Clerk/Administrator, by Lisa J. Prosser, Senior Deputy Clerk.

**F050279 Brawley v. J. C. Interiors, Inc.; Olivewood Medical Arts Center Owners Assn.
et al.**

F051448

Parties stipulate that (1) Honorable Herbert I. Levy Associate Justice, the absent assigned justice, participate in the determination of this appeal, and (2) Levy, J., to listen to the tape recording of oral proceedings upon his return.

Cause called and argued by Cory F. Chartrand, Esq., counsel for plaintiff, cross-defendant and appellant Omer H. Brawley and by Kari L. Ley, Esq., counsel for defendant, cross-complainant and appellant J. C. Interiors, Inc. and by Todd W. Baxter, Esq., counsel for respondents Olivewood Medical Arts Center Owners Assn., et al.

Cause ordered submitted.

Court recessed until Tuesday, February 19, 2008 at 10:00 A.M.

IN THE

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F052047 **People v. Palmer, Jr.**
The judgment is affirmed.
By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F053081 **People v. Smith**
Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F052009 **Aminal Legal Defense Fund et al. v. Victor L. Mendes et al.**
The judgment is affirmed. Vartabedian, Acting P.J.
We concur: Harris, J.; Levy, J.

[CERTIFIED FOR PUBLICATION]

F050952 **Valley Advocates et al. v. City of Fresno et al.; Perez, Williams & Medina**
The judgment is reversed. The matter is remanded to the superior court with directions to vacate its order denying the petition for writ of mandate and to enter a new order that grants the petition for writ of mandate and directs City to (1) set aside its approval of the site plan review application S-04-399, (2) set aside its findings that the proposed project is categorically exempt, and (3) conduct a preliminary review that properly considers the discretionary historical resources category.

The superior court shall retain jurisdiction over the proceedings by way of a return to the writ. Appellants shall recover their costs on appeal. Dawson, J.

We concur: Gomes, Acting P.J.; Kane, J.

[CERTIFIED FOR PARTIAL PUBLICATION]

F051308 **People v. Robinson**
The judgment is affirmed. Wiseman, J.
We concur: Harris, Acting P.J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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F052116 People v. Garcia

The judgment is affirmed. Wiseman, J.

We concur: Harris, Acting P.J.; Kane, J.

[CERTIFIED FOR PARTIAL PUBLICATION]

**F054433 Melissa M. v. The Superior Court of Fresno County; Fresno County
Department of Children & Family Services**

Pursuant to the terms of this court's order of February 7, 2008, and the failure of any party to request oral argument, the oral argument date of March 6, 2008, is vacated.

This matter is deemed submitted on the date of this order.

F052648 Rinaldo Corporation v. Nevada Gold & Casinos, Inc.

The judgment is affirmed. Costs on appeal are awarded to respondent. Levy, J.

We concur: Vartabedian, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F054599 Target Corporation v. Mitch Qualls

Appellant having failed to perform the acts necessary to procure the record after the clerk of the trial court issued notice pursuant to the provisions of rule 8.140, California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F054494 White et al. v. Mr. Heater, Inc.

Pursuant to written stipulation of the parties hereto, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F053085 People v. Martinez

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F051025 **People v. Zaragoza**

The judgment is affirmed. Wiseman, J.

We concur: Harris, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]